IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Crl.MC.No. 1221 of 2007()

CP.53/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

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PETITIONER: ACCUSED NO.2 AND 3 IN C.P.NO.53/2006

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1. AJI, AGED 30 YEARS,
   S/O.THANKACHAN,

2. SANIL, AGED 28 YEARS, S/.O.PODIAN
   RESIDING AT KANJIRVELIL HOUSE,
   ELAVUMTHITTA.P.O,
   MUTTAMKONAM MURI,
   CHENNERKARA VILLAGE, KOZHENCHERRY.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:COMPLAINANT IN CP.NO.29/2006

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1221 of 2007

Dated this the 13th day of April, 2007

ORDER

The petitioners face indictment in a prosecution, inter alia, under Section 308 I.P.C. Proceedings are now pending before the committal court. The petitioners have not appeared before the learned Magistrate. According to them, they have satisfactory reasons to explain why they could not earlier appear before the learned Magistrate. Warrants of arrest have been issued by the learned Magistrate against the petitioners. They apprehend that the learned Magistrate would not consider their applications for bail on merits, in accordance with law and expeditiously. The petitioners, in these circumstances, pray that directions may be issued under Section 482 Cr.P.C to the learned Magistrate to release them on bail when they appear and apply for bail.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. The learned Magistrate must consider such applications for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law and expeditiously.

Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners surrender before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-